

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ANDREW DRAKE, on behalf of himself and a
class of employees and/or former employees,
similarly situated,

Plaintiff,

v.

Case No. 3:14-cv-00216

AEROTEK, INC.,

Defendant.

**JOINT MOTION FOR COURT APPROVAL OF
SETTLEMENT AND DISMISSAL WITH PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41, Plaintiff Andrew Drake and Defendant Aerotek, Inc. (collectively, the “Parties”), by and through the undersigned counsel, hereby respectfully request the Court approve their Confidential Settlement Agreement and General Release (“Agreement”) and dismiss this action with prejudice, with each party to bear its own costs. In support of this Joint Stipulation, the Parties state as follows:

1. Plaintiff asserts claims for alleged unpaid wages in violation of Wisconsin’s wage and hour laws. The parties have reached a settlement that requires Plaintiff to dismiss, with prejudice, his claims in this action in exchange for a monetary payment and a release of Aerotek from any further liability under the Wisconsin wage and hour laws for the time period in question.¹ A copy of the parties’ Agreement is being filed as Exhibit A to this motion.

¹ This settlement also includes claims in a related action that was pending before this Court, *Drake v. Aerotek, Inc.*, No. 3:16-cv-00301-bbc, in which Plaintiff asserted a claim for tortious interference with contract. The parties filed a stipulation of dismissal, with prejudice, in that case on August 19, 2016 (Dkt # 28).

2. The Parties' settlement is for a total of \$18,000.00, which resolves all of Plaintiff's claims in this case and also provides for his attorneys' fees and costs. The settlement agreement also resolves all additional claims that Plaintiff could have brought against Aerotek, including claims under the Fair Labor Standards Act.

3. The Parties' respective counsel are experienced in litigating wage and hour lawsuits and engaged in arm's length, good-faith settlement negotiations that considered the merits of Plaintiff's claims, Aerotek's defenses, and all the evidence. In light of the expense of continued litigation and the inherent risks of trial, the Parties agree that the terms reflected in the Agreement are mutually satisfactory and represent a fair and reasonable resolution of a bona fide dispute over, *inter alia*, any alleged unpaid wages due to Plaintiff. The Parties therefore respectfully request that this Court approve the Agreement and dismiss the action with prejudice.

WHEREFORE, for all the foregoing reasons and pursuant to Federal Rule of Civil Procedure 41, the Parties respectfully request that this Court approve the Agreement and dismiss this action with prejudice, with each party to bear its own costs.

Dated: August 24, 2016

Respectfully submitted,

/s/ Paul A. Kinne

/s/ Kendall W. Harrison

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